

# JUSTICE MOVING FORWARD *A Time for Change*



State of New Hampshire  
Judicial Branch

2003 – 2004 Report



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Chief Justice John T. Broderick Jr (front, right) is seated with Senior Associate Justice Joseph P. Nadeau. Standing with Justice Linda S. Dalianis are Justice James E. Duggan (r) and Justice Richard E. Galway (l).

## State of New Hampshire Judicial Branch

### Mission Statement

*“To preserve the rule of law and to protect the rights and liberties guaranteed by the United States and New Hampshire Constitutions, the courts will provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve.”*

The Supreme Court Committee on Justice System Needs and Priorities, in its August 2004 report “A Vision of Justice—The Future of the New Hampshire Courts” said that while various passages in the state Constitution, statutes and case law set out the core values and goals of the New Hampshire justice system, its members recognized the value of a modern and concise “mission” statement. The committee recommended this summary of values and goals to serve both as a foundation for our court system “and a beacon to all those looking to that system for direction.”

*Photos on front cover (from top): Chief Justice Broderick, accepting congratulations from his former law clerk Betsy Baker after he is sworn-in; Carroll County Courthouse, dedicated November 2004; Former NH Bar President Russell Hilliard with a student during Supreme Court “On the Road”; Cheshire County Courthouse, built in 1858-59, is said to be the oldest courthouse still in use in New Hampshire.*

# MESSAGE FROM THE CHIEF JUSTICE

## THE STATE OF NEW HAMPSHIRE SUPREME COURT

JOHN T. BRODERICK, JR.  
CHIEF JUSTICE



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To the Citizens of New Hampshire, the Governor, and members of the General Court:

I am pleased to present this report on the work and accomplishments of the Judicial Branch during 2003 and 2004. These two years have been times of great change and important achievements which are summarized in these pages.

When I was sworn in as Chief Justice in June 2004, I spoke about the need for the courts to keep pace with an ever-changing world so that we can live up to the constitutional obligation we have to our citizens to provide timely, fair and efficient justice. It is not just the institutional machinery of our court system that needs to step up to the demands of the 21st century; I am also intent on building a new court culture that puts a premium on communication and recognizes that judges, masters and staff alike have a valuable place in the administration of justice. Much remains to be done, but we have made a good beginning.

One thing is certain: it would be impossible for us to meet our obligations without the extraordinary contributions of the men and women who staff our courthouses. I spent the past year visiting every single court location in our state, from Colebrook to Hampton, traveling over 2,000 miles. Without exception, I have met dedicated, caring, and courteous employees from the court security officers at every doorway, to the clerks and court assistants who conduct our day-to-day operations to the building supervisors who maintain our facilities with pride. I want to say thank you to each and every one of them. I also want to thank our judges, and masters, particularly Chief Justice Robert J. Lynn, Administrative Judges Edwin W. Kelly and John R. Maher and Master Stephanie T. Nute, who have worked closely with me during this period of transition. I value their support and have benefited from it.

We have also made great strides in building a strong relationship with the legislature, which, like the judiciary, has a solemn obligation to our citizenry to carry out its duties as set out in the Constitution. I am grateful to the leadership of the House and Senate, and to their members, who have made it clear to all of us on the court that we have embarked on a new day, and that our vision of justice moving forward will be fulfilled.

A handwritten signature in dark ink, appearing to read "John T. Broderick Jr.", is written over a light blue horizontal line.

John T. Broderick Jr.  
Chief Justice

## NEW LEADERSHIP

### For the Court System...A New Chief Justice



*"I stand ready to be open to new ideas and new pathways, to new visions and new responsibilities so that when my time as Chief Justice is done, I can be confident that I listened, learned, cooperated and experimented in the people's interests."*

*Chief Justice John T. Broderick Jr., June 4, 2004*

Justice John T. Broderick Jr., the senior associate justice and a member of the Supreme Court since 1995, was sworn in as Chief Justice on June 4, 2004, by then Gov. Craig Benson. His nomination followed the retirement of Chief Justice David A. Brock.

During his confirmation hearing, Justice Broderick, who had a long career as a trial lawyer before coming to the court, pledged to maintain a justice system in New Hampshire that retains public trust and confidence through a commitment to openness and accountability.

In his first year in office, Chief Justice Broderick led efforts to expand the Family Division statewide; advocated vigorously, with Administrative Services Commissioner Donald S. Hill and others, to improve court buildings, particularly access for the disabled; and developed a "Citizens Committee on Justice in the 21st Century" to gather community input for improvements in the court system (see p. 15). The Chief Justice also initiated a Supreme Court "Commission on the Status of the Legal Profession" to assess how lawyers are meeting their obligations to the public, the courts and the bar, identify challenges and make recommendations to ensure legal services are available and affordable.

### At the Supreme Court... A New Member

After nine years as a Superior Court judge, Richard E. Galway was sworn in as a member of the state Supreme Court in February 2004, following his nomination by then Governor Benson. Justice Galway is the author of two books on worker's compensation law in New Hampshire and is a former president of the New Hampshire Bar

Association. He is a graduate of the University of New Hampshire, Boston University Law School and was a Fulbright scholar at the University of Leeds, England.

### New Leadership for the State's Trial Court

Robert J. Lynn assumed the position of Chief Justice of the Superior Court in January 2004, following the retirement of Chief Justice Walter L. Murphy. In one of his first acts as administrator of the state's trial courts, Chief Justice Lynn, a trial court judge for 11 years, initiated an "individual docketing system" in which a single judge hears all matters in a case from start to finish.

Chief Justice Lynn said the new "one judge, one case" system, similar to one used in the federal courts, would improve the efficiency of case processing and allow for equal distribution of cases among judges.

### Change in the Community Courts

In 2004, the District Courts, which are located in 36 communities throughout New Hampshire, welcomed four new judges: Judge Gerard J. Boyle, Concord District; Judge Robert S. Stephen, Derry District; Judge Sawako

T. Gardner, Portsmouth District; and Judge John J. Coughlin, Derry District Court. Judge Stephen M. Morrison was named presiding Justice of the Dover District Court.

### With Gratitude For Their Service...

Chief Justice David Brock retired on December 31, 2003, after 25 years of service on the New Hampshire Supreme Court — 17 years as Chief Justice. He wrote more than 800 opinions during his years on the Supreme Court, an accomplishment that few jurists can ever expect to achieve. He also played a key role in major improvements and development of court facilities around the state. In his final year as Chief Justice, the Supreme Court took the dramatic step of expanding access to appellate review and announced that for the first time since 1979, it would accept virtually all direct appeals from the state's trial courts.

During his long career in public service, Chief Justice Brock served as U.S. Attorney for New Hampshire from 1969–1972 and was a Superior Court Judge at the time of his appointment to the Supreme Court in 1978 by then Gov. Meldrim Thomson. Chief Justice Brock spoke frequently about judicial independence and the need for judges to "get it right" even when they knew their decisions would not be popular.

December 2003 also marked the retirement of Chief Justice Walter Murphy who had been chief justice of the trial court since October 2000. He began his legal career in Plymouth, New Hampshire in 1962 in the law office of now retired Supreme Court Justice William F. Batchelder. Murphy was appointed to the

Superior Court in 1983, by then Gov. John Sununu. In 1999, Judge Murphy was awarded the first William A. Grimes Award for Judicial Professionalism which is presented annually by the New Hampshire Bar Association.



*"I can honestly say that there has not been a day when I did not wake up and look forward to going to the courthouse in the morning; and I am keenly aware that, in today's society, not all that many people can make such a statement."*

*Superior Court Chief Justice  
Robert J. Lynn, January 2004*

# MOVING IDEAS FORWARD

## The Family Division Takes Shape

The statewide expansion of the family division, signed into law in June 2004 by then Gov. Craig Benson, marks the most significant change in the New Hampshire court system since the early 1980s, when the state courts were unified by the legislature into a cohesive state-funded system. Family related matters, including divorce, domestic violence, child custody, juvenile cases, adoptions and parental rights cases, are now handled in three divisions of the court system, Superior, District and Probate Court. By consolidating all family related matters into a single Judicial Branch Family Division judges and court administrators believe these difficult cases will move through the system more efficiently and in a less adversarial way. The transition to 21 additional Family Division sites will take about three years to complete.

*“Working with families in trouble is the most demanding and challenging job in the court system. Our goal in statewide consolidation of our efforts in the Family Division is to give New Hampshire families the best opportunity to settle their differences fairly and with the least amount of conflict so they can put their distress behind them.”*

*Associate Supreme Court Justice  
Linda S. Dalianis*

Chief Justice John T. Broderick Jr., with backing from Gov. Benson and legislative leadership, led the support for expansion of the Family Division, which was established by the legislature in 1995 as a pilot project in Rockingham and Grafton Counties, where it operated in eight locations: Brentwood, Derry, North Haverhill, Lebanon, Littleton, Plymouth, Portsmouth and Salem. In March 2004, citing the growing number of family-related cases and the success of the Family Division in taking a comprehensive approach to resolving family and marital disputes, Chief Justice Broderick proposed statewide expansion and named Judge Edwin W.

Kelly, the Administrative Judge of the District Court, to take on the additional duty of Administrative Judge of the Family Division.

“The core of the family division is to reduce the adversarial nature of proceedings involving families and to provide community based courts where these cases can be handled on a consistent basis,” Judge Kelly said at the time. The law creating the statewide Family Division provides that the number of judgeships on the Superior Court will be reduced, through attrition, from 29 to 22 and that the funds will be used toward enhancing services in family-related cases. Once the transition of marital cases is complete, approximately 50 percent of the workload of the Superior Court will have shifted to the Family Division.

The Judicial Branch Family Division Implementation Committee, chaired by Associate Supreme Court Justice

Linda S. Dalianis, was charged with coming up with a design that would reorganize existing resources in the Superior, District and Probate Courts into a plan for the statewide Family Division. The committee noted in its report that

while it has developed a plan that uses all resources at hand there should be recognition that over time, more resources will be needed for case managers, mediation, parent training and other services needed to meet the legislature’s goal of improved and more expeditious handling of family cases. The legislature must give final approval to an implementation plan.

Case managers are seen as one of the most effective components of the family division. With a large percentage of litigants representing themselves, case managers are able to guide them through the court process. Mediation

and other conflict resolution services will be used to help families reach mutual agreements on their own in a less adversarial setting than a courtroom.

The full text of the committee report is available at [www.courts.state.nh.us](http://www.courts.state.nh.us). Major recommendations of the committee, submitted to the legislature in December 2004, include:

- Reduce the adversarial nature of proceedings involving families.
- Increase the use of mediation and develop court procedures that respect and encourage the reduction of animosity between parties.
- Locate family division sites in areas geographically accessible to families.
- 21 additional sites throughout the state will be added to the existing sites in Grafton and Rockingham counties.
- Draw upon experienced judges and staff committed to family related issues.
- Existing resources will be shifted to the Family Division from current staff and judges from the superior, district and probate courts and marital masters.
- Increase visibility of the family division within the Judicial Branch administrative structure.
- The Family Division Administrative Judge will report to the Supreme Court with regional supervisory judges and masters assisting as necessary.
- Implement a statewide Family Division plan over the next three fiscal years.

Coös, Carroll and Sullivan Counties would be added to the Family Division in FY 2006; depending on facilities, Strafford and either Belknap or Merrimack Counties would be next; Hillsborough County Northern and Southern Districts would follow. Cheshire County would be added last because of facility limitations.



# VISION AND CHALLENGE

## Services, Needs and Priorities

In November 2003, a Performance Audit Report on Judicial Branch operations was presented by state auditors to the Joint Legislative Fiscal Committee. The process took almost two years to complete, involving thousands of hours by members of the Judicial Branch and the state auditors. With the auditors' report in hand, the Supreme Court immediately established a "Committee on Justice System Needs and Priorities" to consider the current level of court services and expected needs over the next five years.

Under the leadership of Manchester attorney Bruce W. Felmly, the committee issued its report just eight months later and outlined critical needs and developments in the administration of justice that the members felt should be addressed to assure fair and efficient delivery of justice to the public. The report, "A Vision of Justice-The Future of the New Hampshire Courts," was the first long-range report on the New Hampshire court system since 1990. The Felmly committee, which included judges, lawyers, court administrators and staff, recognized the need for



court operations to be responsive to the "service expectations" of all users of the court system.

The committee's recommendations included enhanced legal representation for people who cannot afford lawyers; adoption of case processing time standards; expanded training and evaluation of judges and court staff; expanded public communication about the justice system; and continued improvement of electronic access to information and records.

## In Court, On Their Own

Across the country, courts have been struggling to deal with the growing number of people who decide to represent themselves in court cases. These "pro se" litigants are often unfamiliar with court procedures and find that bringing their own case to court is more difficult than they thought. A Supreme Court task force, chaired by Associate Supreme Court Justice James E. Duggan, examined the problem in the New Hampshire court system and conducted a series of meetings with pro se litigants around the state to hear their concerns. The 2004 task force report, "Challenge to Justice" was the first comprehensive picture of the surging number of self-represented litigants in our state and it included ideas and innovations to help address that challenge.

The report said that one party is pro se in 85 percent of all civil cases in the district court and 48 percent of all civil cases in the superior court. In probate court, both sides are unrepresented by lawyers in 38 percent of the cases. In superior court domestic relations cases, almost 70 percent of cases have one pro se party, while in district court

*"New Hampshire's people must understand, and support, its court system and that system must change and improve to develop and justify that support."*

*From Vision of Justice*

*< The Committee on Justice System Needs and Priorities*

domestic violence cases, 97 percent of the cases have one pro se party. In 40 percent of the appeals in the Supreme Court, one or both parties represent themselves.

Justice Duggan, in a letter presenting the report to then Gov. Craig Benson, set forth the need to address this issue:

"Part I, Article 14 of the New Hampshire constitution entitles all citizens the right to seek legal remedies and it guarantees that access to the court system will be free, thorough and without

*"As the number of these pro se litigants continues to grow, and the strain on the court system increases, meeting that constitutional guarantee of justice for all will require changes..."*

*From Challenge to Justice*

delay. Unfortunately, this promise is often unfulfilled for citizens who decide to represent themselves."

The pro se task force made several key proposals, first among them an increase in low-cost legal services for litigants who need them. It also recommended case managers in every court to help pro se litigants make their way through the system; rule changes to allow lawyers to provide limited legal services, such as preparation of legal documents, for pro se litigants who otherwise want to represent themselves; simplification of court rules, forms and procedures; and a new "Computer in Every Courthouse" project that would enhance public access to information about the courts.

Significantly, the Task Force noted in its conclusions that while an attorney's help would be important in certain cases, the fact is in today's self-help world, many constituents want to "go it alone" when they come to court.

"Our obligation is to give these citizens the help they want, need and deserve," the task force report said.

Chief Justice John T. Broderick Jr. announced in September 2004 that he planned to form a statewide panel of public leaders and citizens to take a comprehensive look at the Felmly report and the pro se task force findings (see p. 15). Both reports, are available on the Judicial Branch website at [www.courts.state.nh.us/jbco/index.htm](http://www.courts.state.nh.us/jbco/index.htm).

## 2003 – 2004 HIGHLIGHTS



### Reclaiming Futures Giving Teens a Better Chance

Helping juveniles  
caught up in the cy-

cle of drugs, alcohol and crime is one of the most important, and difficult, challenges facing the court system and our communities. “Reclaiming Futures New Hampshire,” now underway in five locations around the state, is part of a nationwide project funded by the Robert Wood Johnson Foundation that offers new promise for troubled teens struggling to get their lives back on track.

Reclaiming Futures staff is at work in Concord, Nashua, Claremont, Laconia, and Plymouth, enhancing work in juvenile drug courts and establishing community support groups. Striving for more than just treatment of alcohol and other drug-related problems, the goal of the program is to have court personnel, service providers, schools, youth, and concerned citizens work together to engage with these teens to help them re-enter the community as productive citizens.

One of 10 national pilot projects awarded funding for five years, Reclaiming Futures New Hampshire focuses on improving the way teens are screened for drug and alcohol-related problems as they enter the justice system. Efforts are made to increase access to treatment programs and to create meaningful community connections for youth involved in the courts. The program, now halfway through its grant term, also works closely with state agencies to ensure cross-the-board consistency of service to these young citizens. This five-year investment in improving the juvenile justice system offers long-term results; although data is preliminary, New Hampshire drug courts are keeping teens in treatment longer, increasing their chance of successful rehabilitation.

District Court participation in this program is under the direction of Administrative Judge Edwin W. Kelly,

Nashua District Court Judge Thomas E. Bamberger and project director Maria L. Gagnon.

### Mediation Solving Problems Without Conflict

Mediation programs in the New Hampshire courts continue to grow as court administrators look for non-confrontational ways to resolve legal disputes, particularly in family matters. Beginning in July 2003, a child custody mediation program was established in the Superior and Family Courts using certified mediators.

A Supreme Court committee, chaired by Senior Associate Justice Joseph P. Nadeau, was established in 2004 to develop a comprehensive mediation and alternative dispute resolution program for the Judicial Branch. The committee is developing a small claims mediation program for the District Courts based on a probate mediation program implemented in 2002. Legislation has been introduced to raise the filing fee on small claims cases and create a fund to pay for small claims mediators.

### New Adoption Law

Judges, court staff, adoption agencies, adoption lawyers, and staff from the Division of Children, Youth & Families worked together to write a simplified version of state adoption law to improve its readability, particularly for lay persons, and create uniform procedures for all birth parents who surrender their parental rights. The legislature approved the changes in 2004. An “Adoption in NH: A Reference Manual” was developed and is available on the Probate Court website, [www.courts.state.nh.us/probate](http://www.courts.state.nh.us/probate).

### New Appellate Process Opening the Doors Further for a Final Review

In January 2004, the Supreme Court implemented an expanded appellate review process and for the first time in 25 years, began accepting all direct appeals from the state’s trial courts. A system of discretionary review had

been implemented in 1979 in response to the court’s growing caseload. The court had been accepting about 40 percent of cases for full consideration, after screening a “notice of appeal” and additional documents.

A 1999 report sponsored by the New Hampshire Bar and a 2001 “Appellate Reform Commission” created by the legislature both concluded that all citizens should have the right to at least one level of appellate review. The justices, in announcing the new appellate process, acknowledged those reports and said improvements in court procedures would make expansion possible.

The impact on the court’s work was as expected. While the actual number of cases increased only slightly, from 842 to 898, the number of accepted cases almost doubled from 347 in 2003 to 645 cases in 2004. The number of cases disposed of decreased from 893 dispositions in 2003 to 721 dispositions in 2004.

*In June 2004, audio recordings of oral arguments at the New Hampshire Supreme Court became available at [www.courts.state.nh.us](http://www.courts.state.nh.us).*

### Attorney Discipline A New Approach for More Complex Times

A new “Attorney Discipline System” was launched in January 2004 in response to concerns that the caseload was growing both in numbers and in complexity and could no longer be handled efficiently by the all-volunteer members of the long-standing Professional Conduct Committee.

Under the new system, complaints against lawyers are filed with the “Attorney Discipline Office” whose general counsel and staff evaluate each complaint and prepare a report for a screening committee. For the first time, a full-time “disciplinary counsel” was hired to present cases when necessary to hearing committee panels, which then report their findings to the PCC for disposition. The two new committees, and the PCC, are composed of lawyers and members of the public.

# FISCAL YEAR 2003–2004

## CASELOAD STATISTICS

### The Supreme Court at a Glance

On January 1, 2004, the Supreme Court, for the first time in 25 years, began accepting all appeals from the state trial courts. For the purposes of this report, a calendar year comparison of case dispositions at the Supreme Court best reflects the impact of that change. Fiscal year caseload statistics are shown for the Superior, District and Probate Courts and Family Division, to coincide with the state budget cycle (see p. 12).

Caseload Summary

	2003	2004
Pending and reinstated cases (at close of year)	389	346
New filings	842	898
Total	1,231	1,244
Dispositions	893	721
Pending cases (at close of year)	338	523
Cases accepted	347	645

How the Court Disposed of Cases

	2003	2004
Written Opinion	186	151
Declined	317	99
Summary Affirmance	99	28
Withdrawn	58	69
Orders After Argument	115	198
Denied/Dismissed	65	126
Others	53	50

### The Superior Court at a Glance

FY 2003 Caseload Summary

Type	Caseload Summary				Re-entry* Summary	
	Pending 6/30/02	Filings	Dispositions	Pending 6/30/03	Re-entries	Dispositions
Criminal	9,876	13,042	12,741	10,177	10,399	9,528
Marital	6,679	8,386	8,064	7,001	14,822	14,070
Civil	3,703	4,497	4,186	4,014	1,409	1,364
Equity	2,067	3,393	3,177	2,283	586	551
Juvenile	64	93	74	83	22	18
Total	22,389	29,411	28,242	23,558	27,238	25,531

### The Superior Court at a Glance

FY 2004 Caseload Summary

Type	Caseload Summary				Re-entry* Summary	
	Pending 6/30/03	Filings	Dispositions	Pending 6/30/04	Re-entries	Dispositions
Criminal	10,177	14,510	13,683	11,004	9,028	8,437
Marital	7,001	8,178	8,094	7,085	11,471	11,241
Civil	4,014	4,531	4,376	4,169	1,792	1,583
Equity	2,283	3,722	3,320	2,685	616	565
Juvenile	83	108	91	100	13	12
Total	23,558	31,049	29,564	25,043	22,920	21,838

\*A “re-entry” is defined as additional court action in a previously closed case.



# FISCAL YEAR 2003–2004

## CASELOAD STATISTICS (cont'd)

### The District Court at a Glance

Type	FY 2003 Caseload Summary			FY 2004 Caseload Summary			
	Pending 6/30/02	Filings	Dispositions	Pending 6/30/03	Filings	Dispositions	Pending 6/30/04
Criminal	64,151	132,366	131,205	65,312	144,246	139,322	70,236
Juvenile	5,979	6,987	6,207	6,759	7,039	6,540	7,258
Civil	26,886	39,167	36,608	29,445	37,983	36,599	30,829
<i>Total</i>	<i>97,016</i>	<i>178,520</i>	<i>174,020</i>	<i>101,516</i>	<i>189,268</i>	<i>182,461</i>	<i>108,323</i>

### The Probate Court at a Glance

Type	FY 2003 Caseload Summary			FY 2004 Caseload Summary			
	Pending 6/30/02	Filings	Dispositions	Pending 6/30/03	Filings	Dispositions	Pending 6/30/04
Estates/Trusts	6,824	5,578	5,712	6,690	5,648	5,800	6,538
Adoption and Related Issues	519	850	814	555	867	868	554
Guardianship Adult/Minor	7,660	1,688	1,385	7,963	1,707	1,437	8,233
Involuntary Admission	62	396	402	56	377	398	35
Equity	144	195	162	177	182	192	167
Other	234	1,251	1,281	204	1,107	1,101	210
<i>Total</i>	<i>15,443</i>	<i>9,958</i>	<i>9,756</i>	<i>15,645</i>	<i>9,888</i>	<i>9,796</i>	<i>15,737</i>

### The Family Division at a Glance

Type	FY 2003 Caseload Summary			FY 2004 Caseload Summary			
	Pending 6/30/02	Filings	Dispositions	Pending 6/30/03	Filings	Dispositions	Pending 6/30/04
Adoption	160	229	226	163	219	201	181
Domestic Violence	428	1,623	1,589	462	1,647	1,541	568
Guardianships	623	258	213	668	251	220	699
Juvenile	1,665	1,934	1,620	1,979	2,035	1,677	2,337
Marital	1,375	2,694	2,491	1,578	2,672	2,545	1,705
Termination of Parental Rights	139	67	55	151	76	45	182
<i>Total</i>	<i>4,390</i>	<i>6,805</i>	<i>6,194</i>	<i>5,001</i>	<i>6,900</i>	<i>6,229</i>	<i>5,672</i>

## OUTREACH AND COMMUNICATION



*New York Times reporter Linda Greenhouse at the Supreme Court.*

### John W. King Memorial Lecture

New York Times reporter Linda Greenhouse, who was awarded a Pulitzer Prize in Journalism in 1998 for coverage of the United States Supreme Court, delivered the John W. King Memorial Lecture in September 2004 to an audience of about 200 lawyers, community leaders, members of the public, judges and staff. The King lecture is co-sponsored by the Supreme Court and the New Hampshire Bar Foundation, which provided funding for the event through its Advancement of Justice Fund. Greenhouse's lecture was entitled "A Court Watcher's Quarter Century: Blackmun, Rehnquist and the Evolving Supreme Court."

The lecture program was established by the Supreme Court as an occasion to focus on contemporary legal topics of importance to political leaders, the public and the legal community. The event, which takes place at the court in Concord, is seen as an opportunity for the judiciary to strengthen its relationship with other branches of government and the statewide community by providing a forum for sharing ideas about law and society.

John W. King served three terms as governor of New Hampshire from

1963 to 1969. He was appointed to the Supreme Court in 1979, after serving 10 years as a trial judge on the Superior Court. He was named Chief Justice in 1981, a position he held until his retirement in 1986.

### Supreme Court "On the Road"

The Supreme Court in 2003-04 continued to build its "On the Road" program for high school students, which was launched at St. Anselm College in Manchester in May of 2002. These unique events provide students and community members an unusual opportunity to see the state's highest court up close and learn about its work through a dialogue with the lawyers and justices.

Sessions were held at Dartmouth College and Plymouth State University in 2003 and at Keene State College in



*"On the Road" at Keene State College*

2004. A session at Nashua High School North is scheduled for May 2005.

Designed to enhance public understanding of the judicial system, all formal protocols of courtroom procedure are followed during the sessions. Volunteer lawyers meet with students in advance and discuss the cases with them. Following the oral arguments, lawyers and the Supreme Court justices answer questions about their work. The outreach program is the

only occasion when the court convenes outside the Supreme Court building in Concord to hear actual cases.

### Reaching Out On a Very Special Anniversary

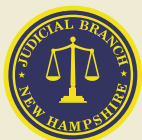
In May 2003, to mark the 50th anniversary of his graduation from Central High School in Manchester, now retired Chief Justice David A. Brock joined with city leaders, teachers, lawyers and students for a unique inter-active discussion on affirmative action in school admissions. The event was held in the high school auditorium before an audience of about 1,000 students and included a question and answer session. The Judicial Branch Communications Office worked with organizers to plan the discussion, which was conducted in conjunction with Law Day and a city-wide reading project.

The Court Communications Office worked with Rivier College in Nashua in January 2005 to conduct a similar interactive event for more than 60 high school students in the Challenge Program, an after-school enrichment program.

### Committee on the Judiciary and the Media

The Committee on the Judiciary and the Media (CJM) has sponsored workshops designed as an opportunity for judges, court staff, and the media to gain a better understanding of each others' work. Print and broadcast reporters conducted a workshop for judges and court personnel in October 2003 in a courtroom at Hillsborough County Superior Court North. The following June, WMUR-TV Channel 9 hosted a workshop for journalists conducted by judges, court staff and the Court Communications Office.

The CJM, which meets four times a year, is co-chaired by Senior Associate Justice Joseph P. Nadeau and Tami Plyler, editor of the Salem Observer. It was established by the Judicial Branch in 2002 to provide a forum for discussion of issues of interest to the courts and the media.



State of New Hampshire

## COURT CONNECTIONS

The Judicial Branch launched the first edition of its quarterly electronic newsletter "Court Connections" in the fall of 2004 with a feature story about family members of court employees serving in the military and a regular column called "People on the Move." The newsletter is available to the public on the Judicial Branch website at [www.courts.state.nh.us](http://www.courts.state.nh.us).

# RECOGNIZING CONTRIBUTION AND COMMITMENT

Supreme Court Associate **Justice Joseph P. Nadeau** was named chairman of a national “Commission on State Court Funding” appointed in 2003 by then American Bar Association president Dennis W. Archer. The commission’s recommendations, adopted by the ABA House of Delegates in August 2004, urged courts to ensure accountability for requests and expenditures of public funds and to maintain ongoing communication with government and civic interests to further understanding of the costs associated with court administration.

In April 2004, Associate Superior Court **Justice Kathleen A. McGuire** received the Athena Award from the Greater Concord Chamber of Commerce for professional excellence, community service and assisting women in reaching their full leadership potential.

Associate Superior Court **Justice Patricia C. Coffey** is a Circuit Trustee on the National Board of Trustees of the American Inns of Court and co-president of the Suffolk University Law School American Inns of Court in Boston.



*The U.S. Olympic Committee selected this original oil painting by Salem District Court Judge Michael E. Jones for display at the 2004 Summer Games in Athens. Limited edition posters were made available at the Olympic Village and at training sites in the United States and are now part of the permanent collection at 15 museums around the world.*

**Judge Susan B. Carbon**, Supervisory Judge of the Grafton County Family Division, was elected Vice President/Treasurer of the National Council of Juvenile and Family Court Judges in 2004. Judge Carbon was honored in 2003 by the NH Bar Association’s Pro Bono Domestic Violence Emergency Project for her work on domestic violence issues and received the Plymouth State College’s Granite State Award for Outstanding Public Service.

The 2004 Helen Holbrook Leadership & Service Award was presented by Genesis Behavioral Health of Laconia to **Judge Willard “Bud” Martin**, Associate Justice of the Laconia District Court.

**Kathy McDonald**, Deputy Clerk for the Merrimack County Superior Court

received the Merrimack County Bar Association’s Lawyer of the Year award.

In a report prepared for the U.S. Senate’s Special Committee on Aging, the Rockingham County Probate Court was cited by the General Accounting Office as one of four courts nationally that it considered “exemplary” in providing training for guardians and oversight of guardianships.

## Judicial Retirements

### *Superior Court:*

Associate **Justice Peter W. Smith** retired in 2003 after serving on the trial court bench since 1985.

### *2004 District Court Retirements (years of service)*

**Justice Robert L. Cullinane**,  
Dover District Court (32 years)

**Justice Arthur E. Robbins**,  
Concord District Court (26 years)

**Justice Lawrence F. Warhall**,  
Derry District Court (23 years)

**Justice Clyde R. Coolidge**,  
Somersworth District Court (19 years)

### *2003 District Court Retirements (years of service)*

Special **Justice Edward J. McDermott**,  
Hampton District Court (35 years)

**Justice H. Philip Howorth**,  
Nashua District Court (19 years)

**Justice W.H. Dale Townley-Tilson**,  
Franklin District Court (17 years)

### *In memory...*

In December 2004, the Judicial Branch mourned the passing of Franklin District Court **Judge Edward R. Thornton Jr.**

## 25 Years of Service

In 2003, the following Judicial Branch employees celebrated 25 years of government service: *Charlene Aldrich, Debra Balcom, Janice Bellantone, Joan Bishop, John Clark, Jan Corliss, Karen Dube, Roberta deHaven, Wilda Elliot, Barbara Hogan, Kathleen Jones, Monique LaPorte, Paulette LeBlanc, Lois Northrup, Diane Ouellette, Cynthia Perkins, Lynn Plourde, Denise Prescott, Dawn Sanel, Sharon Shurtleff, Lauren Thorn, Roselma Tucker, Cathy Wallace, Patricia Wolfe and Dana Zucker.*

In 2004, employees with 25 years of service include *Carol Andersen, Theresa Belyea, Marshall Buttrick, Carol Goldstein, Nancy Lawrence, Kathryn Legassie, Celeste Nault, Jill Nault, Deborah Noel, John Safford, Joni Salamon, Deborah Scappettuolo, Doris Smith, and Patricia Spencer.*

## Spirit of Judiciary

Established in 1999 by Chief Justice David A. Brock, the Spirit of the Judiciary Award recognized Judicial Branch employees for their commitment to the court system and to provide fair and efficient court services for the citizens of New Hampshire.

### *Recipients of the Spirit of the Judiciary Award in 2003-2004:*

*Rebecca D. Burton, Gloria Gidari, Diane Roberge, Sandra L. Wentworth, Roselma T. Tucker, Jacqueline K. Carroll, Kimberly P. Wyman.*

## Fiscal Overview 2003–2004

The Judicial Branch relies upon funds appropriated by the legislature for the operations of its courts. For FY 2003, the state legislature appropriated \$56,585,604. Total expenditures for FY 2003 were \$57,720,075. For FY 2004, the state legislature appropriated \$61,017,210. Total expenditures for FY 2004 were \$57,190,783.

Most of the revenue generated by the court system is returned to the general fund or designated to help finance other state agencies and programs, such as the Police Standards and Training Council and the Victim's Assistance Fund.

### Judicial Branch Expenditure Summary FY 2003 and FY 2004

Category	FY 2003	% of Total	FY 2004	% of Total	% Change '03–'04
Superior Court	\$17,991,324	31.2%	\$18,012,834	31.5%	0%
District Court	13,871,170	24.0%	14,659,530	25.6%	6%
Facilities (transfer to Other State Agencies)	6,394,784	11.1%	6,047,679	10.6%	(5%)
Supreme Court	6,896,882	12.0%	6,748,388	11.8%	(2%)
Probate Court	3,954,005	6.9%	3,929,183	6.9%	(1%)
Court Security	3,010,290	5.2%	3,029,096	5.3%	1%
Family Division	2,158,007	3.7%	2,197,672	3.8%	2%
Statewide Expenditures	645,050	1.1%	746,738	1.3%	16%
Other*	2,798,563	4.8%	1,844,135	3.2%	(34%)
<b>Total</b>	<b>\$57,720,075</b>	<b>100.0%</b>	<b>\$57,190,783</b>	<b>100.0%</b>	<b>1%</b>

\*Other includes workers' compensation, revolving funds for training materials and publications, default fees, grants, facility escrow, and capital expenditures.

### Judicial Branch Revenue Distribution Summary (FY 2003)

Distributions	Amount	Percentage
General Fund	\$14,917,640	80.4%
Police Standards and Training (RSA 188-F:31)	1,531,487	8.3%
IV D Reimbursement	584,596	3.2%
Victim's Assistance Fund (RSA 188-F:31)	492,774	2.7%
Guardian ad Litem Fund (RSA 458:17-b)	292,371	1.6%
Facility Escrow Fund (RSA 490:26-c)	189,200	1.0%
Revolving Funds	132,774	0.7%
Court Transcription	163,870	0.9%
Default Fees (RSA 597:38-a)	96,428	0.5%
Default Bench Warrant Fund (RSA 597:38-b)	115,884	0.6%
Highway Fund	25,864	0.1%
<b>Total</b>	<b>\$18,542,888</b>	<b>100.0%</b>

### Judicial Branch Revenue Distribution Summary (FY 2004)

Distributions	Amount	Percentage
General Fund	\$16,470,623	81.2%
Police Standards and Training (RSA 188-F:31)	1,663,487	8.2%
IV D Reimbursement	687,423	3.4%
Victim's Assistance Fund (RSA 188-F:31)	539,713	2.7%
Guardian ad Litem Fund (RSA 458:17-b)	272,298	1.3%
Facility Escrow Fund (RSA 490:26-c)	171,473	0.9%
Revolving Funds	139,296	0.7%
Court Transcription	123,270	0.6%
Default Fees (RSA 597:38-a)	102,381	0.5%
Default Bench Warrant Fund (RSA 597:38-b)	84,728	0.4%
Highway Fund	23,520	0.1%
<b>Total</b>	<b>\$20,278,212</b>	<b>100.0%</b>

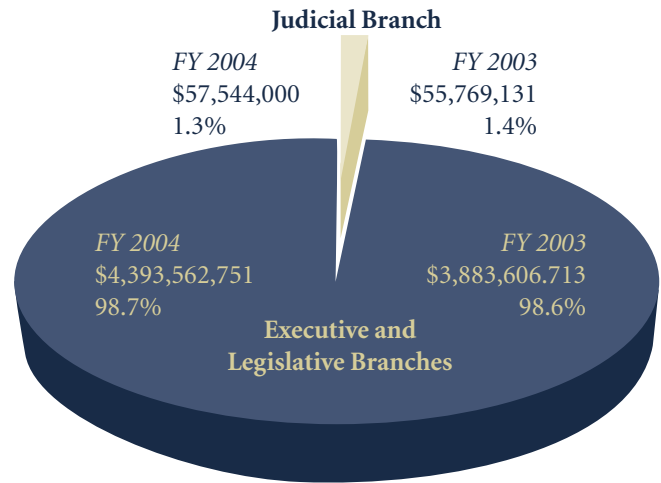


## Fiscal Overview 2003–2004 (cont'd)

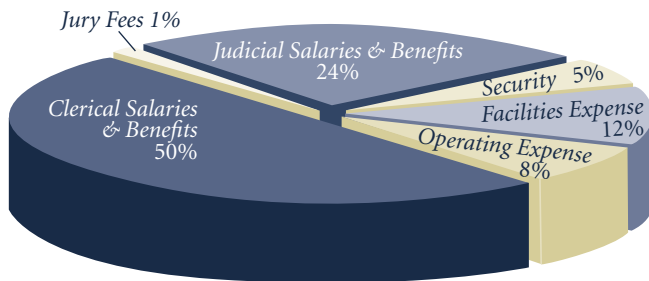
### Grant Funding

Funding Agency	FY 2003	FY 2004
NH Dept. of Justice	\$424,653	\$415,289
State Justice Institute	8,930	7,837
US Dept. of Health & Human Services	139,936	66,941
US Dept. of Justice	309,317	325,406
Annie E. Casey Foundation	71,176	75,000
NH Bar Foundation	2,000	2,500
State of NH Juvenile Justice	0	600
NH Highway Safety Agency	10,014	55,072
NH Division of Alcohol & Drug Abuse (DADAPR)	403,158	297,749
Robert Wood Johnson Foundation	175,182	70,855
<b>Total Funds from Grants</b>	<b>\$1,544,366</b>	<b>\$1,317,249</b>

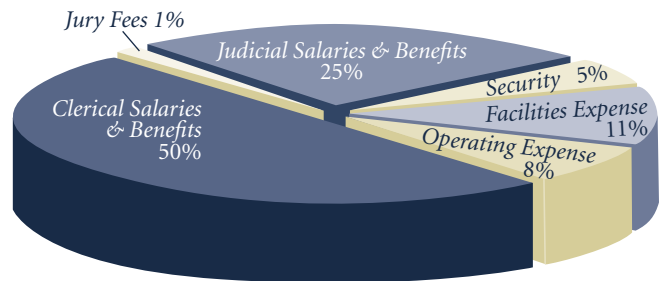
### State of New Hampshire Operating Budget FY 2003–2004



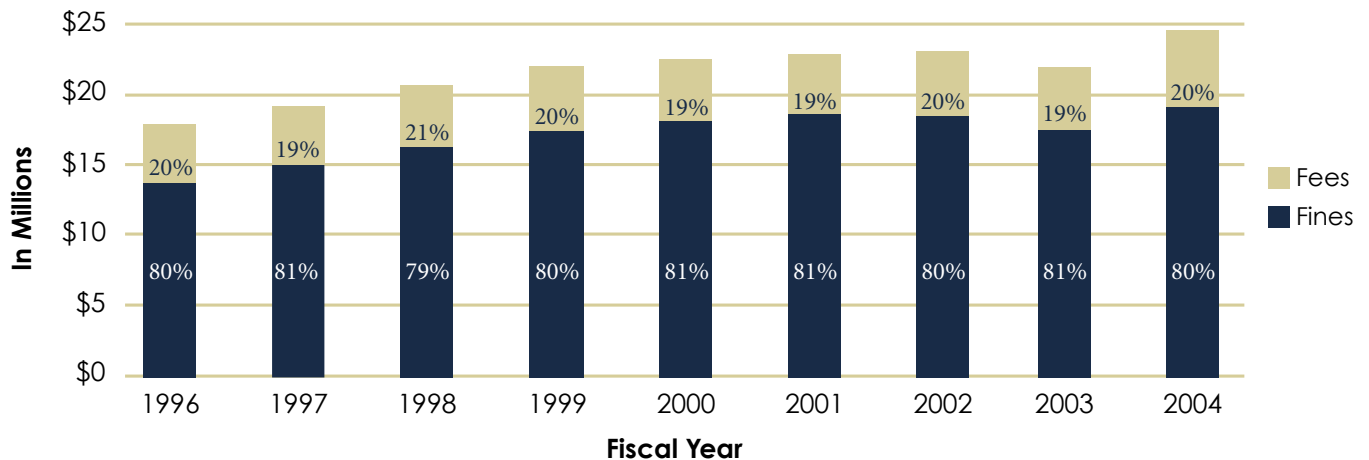
### Systemwide Expenditures FY 2003



### Systemwide Expenditures FY 2004



### Court Fines and Fees Collected for the State's General Fund



# ADMINISTRATIVE OFFICE OF THE COURTS

## Message from the Director

The staff at the Administrative Office of the Courts has continued to focus efforts on enhancing the efficiency and effectiveness of the Judicial Branch. Consistent with one of the recommendations of the audit of Judicial Branch administration, the Supreme Court recently released an order that formally establishes the AOC and confirms our responsibilities. That order identifies our primary responsibilities in the areas of accounting, auditing, human resources, technology, fiscal management, security, purchasing, facilities, and statistics. I want to thank AOC staff members for their contributions in these areas to 66 courts located in 46 facilities around the state.

In keeping with the spirit of the audit recommendations and the direction provided by the Supreme Court, AOC managers have identified and prioritized the many projects and challenges we face, including the following:

- Continue to aggressively seek and implement cost-saving measures to offset increased expenditures triggered by rising caseloads;
- Facilitate a comprehensive review of court system business practices in case-load processing to make improvements and find savings and efficiencies;
- Develop and deploy the “Odyssey” case management system in all trial courts;
- Develop and deploy a modern accounting system that is integrated with the “Odyssey” case management system;

- Make court data readily available to court managers and policy makers and to the legislature and our justice system partners;
- Review and revise the Judicial Branch personnel rules;
- Update Judicial Branch job descriptions to make them reflect modern court operations; and
- Oversee the studies of judicial and clerical workload to allow Judicial Branch policy makers to measure the need for judicial and clerical resources and to appropriately apportion those scarce resources.

We believe that ongoing scrutiny of Judicial Branch administrative operations is essential. We will remain vigilant to that task while meeting our constitutional obligation to provide the citizens of New Hampshire with a court system that is accessible, fair, and efficient.

*Donald D. Goodnow*

## Public Access Task Force

Electronic access to court records, made possible in the future by implementation of the Odyssey case management system, raises a broad array of difficult public policy questions that court systems across the country have had to grapple with as the electronic age makes information instantly available, without having to look at a paper file.

A “Supreme Court Task Force on Public Access to Court Records” was established

*Associate Superior Court Justice Larry M. Smukler was a keynote speaker in December 2004 at the 4th annual “E-Courts Conference” jointly sponsored by the National Center for States Courts and the American Bar Association, which was attended by more than 500 judges and court administrators. Judge Smukler, who presided over the first trial in New Hampshire to use an Internet-based electronic filing system (paid for by the parties) spoke about the value of electronic connections in providing better service and lowering costs for the courts and the parties involved.*

to examine numerous issues and develop governing policies on public access, privacy, and accountability of court and government officials.

The task force chairman is Superior Court Associate Justice Larry M. Smukler, the chairman of the Court Technology Committee. Members represent the courts, government, media, business, victims’ advocates, law enforcement, the legal community and the public.

## A Vital Contribution Toward Improvement

Throughout the court system, staff members have devoted extensive time and expertise to two projects guided by the National Center for State Courts. The “Business Process Enhancement” project is designed to evaluate all trial court functions and develop the best, most effective ways for staff to do their jobs. A team of 25 staff members is developing work alternatives and implementation plans, particularly in anticipation of the new Odyssey case management system. More than 85 percent of court staff also have participated in a “weighted case-load” study to determine the time it takes to process cases from start to finish. The results would then be used to assess staff needs at court locations.

## Odyssey

In April 2004, the Judicial Branch signed a \$1.9 million contract with Tyler Technologies Inc. of Dallas, Texas to provide the trial courts with a state of the art case management system. This major step toward modernization of the court system will for the first time allow judges and staff to share information and documents electronically from one court location to another. It will also allow court managers to obtain data to better assess workloads and allocation of resources.

Sandra L. Wentworth, who has been with the court system for more than 20 years, is the Odyssey implementation project manager. Beginning in 2002, she led a team of systems technicians who carried out the long anticipated job of setting up the Windows operating system at 650 workstations around the state. “I’m looking forward to seeing the same excitement and enthusiasm from our court staff for Odyssey as there was when we installed Windows on each desktop,” Wentworth said.



# LOOKING FORWARD TO THE FUTURE



*In the first “State of the Judiciary” address delivered in New Hampshire since 1996, Chief Justice Broderick in February 2005 opened the second year of his tenure as Chief Justice reinforcing the need for change as the court system moves into the 21st century. The following are excerpts from his address, which was delivered in the House chamber to a joint session of the New Hampshire Legislature, attended by Gov. John Lynch.*

*< Chief Justice Broderick addressing the legislature.*

## State of the Judiciary Address

### A New Day

“I am very proud to lead the judiciary in New Hampshire. I am particularly pleased to report to you today that the state of the judiciary is sound and open to real change. My colleagues and I are committed to a new day of dialogue, cooperation and openness with all of you. In fact, we look forward to it.”

### Changing Times

“The single biggest challenge facing our courts is to accommodate the rising number of people and small businesses that cannot afford a lawyer to represent their interests or choose not to hire one. Our judicial system, which has admirably stood the test of time, is well designed for situations where all parties have counsel they can afford and ample time to await a decision. Those days are rapidly disappearing.”

### Different Solutions

“I am in search of a new design, which reflects modern needs and responds to

today’s concerns. As part of this new design, my colleagues and I are interested in creating alternatives to trial by combat for those who want them. We need to infuse our court system with new ways in which parties can resolve disputes more efficiently, at lower cost, and without having to appear before a judge.”

### Helping Families

“In my judgment we also need to fundamentally rethink how divorce is handled in our courts. Taking spouses and children in stress and forcing them into an adversarial system, with no other meaningful alternative, is neither economically sound or socially beneficial.”

### Open and Independent

“While the courts should never surrender or compromise their constitutional obligations to gain favor, neither should we see openness, transparency and cooperation with the other branches of government as inconsistent with our independence.”

## The Next Step Toward Change: Constituents Join in the Effort

A Citizens Committee on Justice in the 21st Century was established by Chief Justice Broderick following the reports of the Felmly Committee, the Pro Se Task Force (see p. 6), the Family Division Implementation Committee (see p. 5), and the 2004 report of the Family Law Task Force. That panel had been directed by the legislature to study the current state of family law and make recommendations on ways to reduce the adversarial nature of the process of divorce and separation involving New Hampshire families.

In a letter inviting citizens to join the Committee the Chief Justice said he expected the Committee work would be “a road map to real change and will enhance the administration of justice in New Hampshire in the years to come.” He noted that much of the work on the three reports had been done by people who had daily contact with the justice system and that it was time for a broader constituency of public leaders to look at the findings in all three documents.

“The court system belongs to the people of New Hampshire and it is only fitting that they help identify the necessary changes so that justice can remain efficient, affordable and accessible,” the Chief Justice said.



*The Staff Advisory Committee will meet quarterly at locations around the state.*

## Maintaining a Vital Link With Court Staff

During 2004, Chief Justice Broderick organized a series of small group meetings in his chambers in Concord with court staff from around the state in an effort to establish lines of communication with the dedicated men and women who are the foundation of court operations. He followed up those meetings by establishing a new “Staff Advisory Committee to the Chief Justice” that will meet at locations around the state four times a year to discuss issues of importance to the staff.

The members of the committee for 2005 are: Sherri Kluesener, Patrice Rasche, Lance Walton, Diane Caron, Barbara Hogan, Stacey Raven, Sara Beaulieu, Mary Barton, Michele Boutin, Patrick Ryan, Bunny Clark, Linda Daniels, Heidi Morgenstern, Kimberly Quint, Sherry Bisson, Sharon Matte, LoriAnne Dionne, Pam Kozlowski and JoAnn Lemay.

# CONTACT WITH THE COURTS

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For more information about the State of New Hampshire Judicial Branch check out our website at [www.courts.state.nh.us](http://www.courts.state.nh.us). You'll find detailed descriptions there that will help direct you to the right place to find answers to your questions.

## Administrative Office Of The Courts

Two Noble Drive  
Concord, NH 03301  
(603) 271-2521

## Supreme Court

One Noble Drive  
Concord, NH 03301  
(603) 271-2646

## Superior Court

Superior Court Center  
17 Chenell Drive, Suite 1  
Concord, NH 03301  
(603) 271-2030

## District Court

Administrative Office  
32 Clinton Street  
Concord, NH 03301  
(603) 271-6418

## Probate Court

Administrative Office  
10 Route 125  
Brentwood, NH 03833  
(603) 642-5437

## Family Division

Administrative Office of the Courts  
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Concord, NH 03301  
(603) 271-2521

Published by

## THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH

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*Photos on back cover (from top): The Laconia District Court, once the city high school, is listed on the National Historic Register; Retired Chief Justice David Brock with Sandy Wentworth, systems analyst-programmer; Strafford County Justice and Administration Building; Pakistani visitors to the Supreme Court.*

